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5	Attorney for		
6	POWER VENTURES, INC.		
7	AN MADED CALVANEO		
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
11		Case No. 5:08-cv-05780-LHK	
12	FACEBOOK, INC.,		
13	Plaintiff,	EX PARTE APPLICATION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S BILL OF COSTS, MOTION	
14	v.	FOR ATTORNEY FEES, AND MOTION FOR CONTEMPT	
15 16	POWER VENTURES, INC. and STEVEN VACHANI,	FOR CONTENIET	
17	Defendants.		
18			
19	Defendant POWER VENTURES, INC. hereby applies for an order extending the time in		
20	which the defendants may file responses to three filings submitted contemporaneously by Plaintiff		
21	FACEBOOK, INC. on May 16, 2017: Bill of Costs (Dk. No. 444); Motion for Attorney Fees (Dk.		
22			
23	No. 446); and Motion for Contempt (Dk. No. 447). Defendant requests a brief extension of two		
24	days to allow the defendants to coordinate and finalize their responses to these three consequential		
25	filings.		
26			
27			

#### Case 5:08-cv-05780-LHK Document 449 Filed 05/31/17 Page 2 of 5

This Application is based on this *Ex Parte* Application, the accompanying declaration of Amy Sommer Anderson, the Memorandum of Points and Authorities submitted herein, and the pleadings and papers on file in this action.

Respectfully,

DATED: 5/30/2017 AROPLEX LAW

By: /s/
Amy Sommer Anderson,
Attorney for
POWER VENTURES, INC.

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## MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT'S APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSES

Defendant POWER VENTURES, INC. ("Power") hereby requests an order extending the time in which the defendants may file responses to three filings submitted contemporaneously by Plaintiff FACEBOOK, INC. on May 16, 2017: Bill of Costs (Dk. No. 444); Motion for Attorney Fees (Dk. No. 446); and Motion for Contempt (Dk. No. 447). Power seeks only a small amount of additional time—two additional days—to enable the defendants to coordinate and finalize their thorough responses to Plaintiff's three consequential filings.

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the Court may grant this request based on Power's Application without a motion or notice. In compliance with Local Rule 6-3(a), Power's Application is filed with and supported by the Declaration of Amy Sommer Anderson attesting to the following facts.

Power's requirement of this small amount of additional time is due to a combination of the volume of work necessary to thoroughly respond to each of Plaintiff's three contemporaneous objectionable filings, an uncharacteristic and prohibitively burdensome workload on the part of the Power's counsel, and a lack of available resources over the long Memorial Day holiday weekend.

Power has not sought and would be unable to obtain, in all likelihood, a stipulation for an extension of time from the plaintiff, as the need for extension was not realized until long after business hours when the defendants discovered that, despite working diligently through the evening, they required additional time to coordinate, review, and complete their joint filings.

Judgment in this action was entered by the Court on May 2, 2017 (Dk. No. 437), and there are no pending matters before the Court other than the three filings at issue. As such, a brief extension of time to enable the defendants to file thorough responses to the sole remaining issues has no effect on the case, which is now closed. Denying Power's requested extension, however,

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would substantially prejudice the defendants, who are inherently outgunned in their defense—the
defendants' representation consisting of the in pro per individual defendant and the corporate
defendant's solo practitioner versus the plaintiff's team of attorneys who are supported by the
effectively bottomless resources of Orrick and backed by Facebook, Inc. Defense in this matter has
been a relentless uphill challenge and primarily a labor of love since its commencement, and the
defendants have persisted despited their significant disadvantage. Granting a short extension, as
requested herein, does little to level the field between the parties, but denying Power's request
would result in substantial inequity whereby the plaintiff obtains undeserved fruits in this matter
simply by virtue of its vast resources, as well as through sheer brute force by burying the defendant
in simultaneous objectionable filings.

There have been no previous extensions of time sought or obtained by the defendants or granted by the Court.

For the reasons stated herein, Power respectfully requests the Court grant its Application for a two-day extension to file the defendants' responses to Plaintiff's Bill of Costs; Motion for Attorney Fees; and Motion for Contempt.

Respectfully,

DATED: 5/30/2017 AROPLEX LAW

> By: \_\_ Amy Sommer Anderson, Attorney for POWER VENTURES, INC.

#### **CERTIFICATE OF SERVICE**

I hereby certify that this document has been or will be filed through the ECF system, and notice will be sent via the following method:

**X ECF System:** By filing the within document on the Court's Electronic Case Filing System, I am informed and believe that the documents will be electronically served on all individuals registered with such system. To my knowledge, every individual to whom notice is required is registered with this system and, thus, has been served with due notice by action of this electronic filing.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct.

Executed 5/30/2017 at San Francisco, California.

/s/ AMY SOMMER ANDERSON Amy Sommer Anderson